

THE Open Door News

A publication of the Manufactured Housing Dispute Resolution Program of the Washington State Attorney General's Office

FALL QUARTER 2010

Featured

PETITION COMPLAINTS SUSPENDED

After using this new complaint process for several months and careful review of the pros and cons, we have decided to suspend its use. The administrative efficiencies we had hoped this process would bring have not come to fruition; in fact, it made our complaint handling process more complex. For this reason, we are returning to using the individual complaint forms only. We understand that groups of tenants may want to file complaints together. If this is the case, we ask tenants to please use individual forms. These may be mailed in together, however make sure the issues raised are currently relevant and the form is mailed within a week of signing.

COMMUNICATION IS A SKILL

Successful communication is a skill that takes practice and thoughtful preparation. Often we get calls from landlords and tenants asking for suggestions on how to resolve a conflict with the other party. We would like to take a moment here to touch on this important topic to provide some suggestions that might help *before* communication problems arise between the parties.

If you have concerns and want to approach the other party to discuss a difficult topic, take some time to prepare; think about your goals, how to best achieve them, and what a reasonable solution would be for *both* parties. Identify your common goals and be open to working together on a solution that both parties can agree to.

- Agree on a time and place to meet.
- Be open to ideas and suggestions.
- Ask questions so you understand their position.
- Be clear with your request.
- Avoid "always" and "never".
- Do not use accusations.
- Use a neutral tone of voice. Smile.
- Speak in a way that you would like to be spoken to.
- Stay on topic.
- Listen and do not interrupt.
- Avoid trying to prove them wrong.
- Reschedule if the discussion escalates

Low-cost mediators are available to help people talk about their non-legal issues that may be impeding productive conversations at www.resolutionwa.org.

MAINTENANCE OF CARPORTS & SHEDS

There is a specific section of the Manufactured/Mobile Home Landlord-Tenant Act that addresses the [maintenance of permanent structures](#) (RCW 59.20.135). This section prohibits mobile home park owners from transferring the duty to maintain permanent structures in mobile home parks to tenants. Permanent structures include the "clubhouse, carports, storage sheds

(cont.) —→

Mission

The Manufactured Housing Dispute Resolution Program (MHDRP) enforces the Manufactured/Mobile Home Landlord-Tenant Act, (MHLTA) educates stakeholders and fosters relationships between manufactured/mobile home community land owners and homeowners. We facilitate communication among parties in an effort to resolve disputes and avoid evictions.

The MHDRP is committed to:

- Providing accessible, friendly, and efficient service;
- Ensuring fair and balanced administration of the law; and
- Increasing community awareness of the landlord/tenant rights and responsibilities assigned by the law.

Future Newsletter Topics:

- 55+ park
- Eviction
- 15 day Notice to Comply or Vacate
- Trees

Contact Us

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CONSTITUENT CONTACTS

JAN 1, 2010 - NOV. 30, 2010

Telephone calls from first time callers.....772
Questions by email.....74
Hits to our webpage.....19,219
Requests for materials to be mailed.....227

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MAINTENANCE OF CARPORTS & SHEDS (CONT.)

or other permanent structure" [RCW 59.20.135(3)]. However, "a permanent structure does not include structures built or affixed by a tenant." (emphasis added) Therefore, landlords are not responsible for permanent structures that were built by a tenant.

We often get questions about permanent structures that are built by the landlord, but modified by the tenant. Modifications may include adding a floor, windows, dry wall, electricity, etc. Every situation has to be assessed on its own facts, but in most cases the erection of additional structures or major modifications by the tenant to the original permanent structure does not relieve the landlord of his or her duty to maintain the original structure. However, the landlord does not assume responsibility to maintain or repair those additions or modifications; that responsibility remains with the tenant.

Tenants may request for repair of a permanent structure to their landlord in writing. As with all written correspondence, the author may want to date it, sign it and keep a copy for their records. We would appreciate that the landlord be given written notice and the opportunity to make repairs *before* the tenant files a complaint with our office.

Did You Know...

That when you file a request for dispute resolution [on-line](#) you can attach electronic documents that you want us to review?

WHAT IS A SERVICE ANIMAL?

Recently we've received inquiries concerning service animals within mobile home parks. [The WA State Human Rights Commission](#) offers information on their website about service animals, which may be helpful to both landlords and tenants.



Q. What is a service animal?

"Service animal" means an animal that is trained for the purpose of assisting or accommodating a disabled person's sensory, mental, or physical disability.

Q. How can I tell if an animal is really a service animal and not just a pet?

There are no legal requirements for service animals to be specially identified. Some, but not all, service animals, wear special collars and harnesses. Some, but not all, are licensed or "certified" and/or have identification papers. If you are not certain that an animal is a service animal, you may ask the person who has the animal if it is a service animal required because of a disability.

A housing provider may ask for a health care professional's statement that an individual is a person with a disability and will be assisted by a service animal. A housing provider may not ask for details or the nature of an individual's disability.

Q. What about any "no pets" policies?

Legally, a service animal is not a pet. You are required to modify your "no pets" policy to allow the use of a service animal by an individual with a disability. A "no pets" policy may be continued, but you must make an exception to your general rule for service animals.

To view the rest of the Frequently Asked Questions on this topic, go to:
<http://hum.wa.gov/FAQ/FAQServiceAnimal.html>

The Human Rights Commission also provides information about fair housing, discrimination in housing and the work place and disabilities. For additional questions, they may be reached at 1-800-233-3247.